

STATUS OF THE CLAIMS

Claims 1, 2, 4-6 and 8-9 were pending.

Claim 4 has been rejected under 35 U.S.C. § 112, first paragraph.

Claims 4, 5, 8 and 9 have been rejected under 35 U.S.C. § 112, second paragraph.

Claim 4 has been deleted.

Claim 5 has been amended.

Claim 11 has been added.

Claims 1, 2 and 6 have been allowed.

Claims 5 and 8, 9 and 11 are presented for consideration.

REMARKS

Reconsideration of the above-identified application as amended is requested. Claim 4 has been deleted solely to facilitate prosecution and without prejudice or disclaimer to presenting this claim in one or more continuing or divisional applications. Claim 11 has been added to present the diseases and conditions associated with isolated prandial hyperglycemia and/or IFG in proper form. These were originally set forth in claim 5 and therefore no new matter has been added.

The deletion of claim 4 has rendered the rejection under 35 U.S.C. §112, first paragraph moot. Applicants have deleted the claim without commenting as to the propriety of the rejection. Accordingly, this rejection should be withdrawn.

Claims 8 and 9 have been rejected due to alleged indefiniteness because claim 8 depends from cancelled claim 7. Applicants respectfully point the Examiner's attention to the amendment submitted July 2, 2002 wherein claims 8 and 9 were amended to be dependent upon claim 1 and 8 respectively. Accordingly, it is Applicants position that this rejection was entered in error and should be withdrawn.

The phrase "including" has been removed from claim 5 and therefore, claim 5 is now thought to be definite enough to satisfy the statute and this rejection should be withdrawn.

Claims 1, 2 and 6 have been allowed.

In view of the foregoing, Applicant submits the Application is now in condition for allowance and respectfully requests early notice to that effect.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



Gregory D. Ferraro
Attorney for Applicants
Reg. No. 36,134

Novartis Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6923

Date: November 8, 2002

Version with markings to show changes made

5. (Once amended) The method of claim 1 for the treatment of diseases and conditions associated with isolated prandial hyperglycemia and/or IFG ~~including obesity, increased age, family history of diabetes, diabetes, during pregnancy, dyslipidemia, high blood pressure, uricemia, insulin resistance, arterial occlusive disease, atherosclerosis, retinopathy, nephropathy, angina pectoris, myocardial infarction, and stroke.~~